

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

Public Servants – Panchayat Raj & Rural Development Department - Zilla Parishads, Krishna District - Sri M.Srinivas Naik, Junior Assistant (Dismissed), O/o M.P., A.Konduru – Appeal against the dismissal proceedings – Modification of punishment of dismissal from service to that of stoppage of two annual grade increments with cumulative effect and also the period of suspension till his re-instatement be treated as not duty – Orders - Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (Vig.IV) DEPARTMENT

G.O.Rt.No:1498

Dated:- 13-10-2008.
Read the following:-

1. Proceedings of the Dy.Chief Executive Officer, Zilla Parishad, Krishna, Machilipatnam, Rc. No.4536/2001(DC)C5, Dated:- 25.6.2003.
2. Appeal of Sri M.Srinivas Naik, Jr., Asst.(Dismissed), Dated:- 03.12.2007.
3. From the Chief Executive Officer, Zilla Parishad, Krishna, Lr.No: 4536/200/DC/C5, Dated:- 28-06-2008.

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ORDER:-

It has been brought to the notice of the Government that a charge memo was issued to Sri M.Srinivas Naik, while working as Junior Assistant, O/o the M.P., A.Konduru, Krishna Dist by the Chief Executive Officer, Zilla Parishad, Krishna District, on the allegation of tampering a cheque issued in favour of a beneficiary relating to C.I.Wells (JRY-SC funds). He has submitted his explanation to the charge memo, . After examination of the explanation, the Chief Executive Officer, Zilla Parishad, Krishna District, has appointed the Dy. Chief Executive Officer, as Enquiry Officer to conduct the regular enquiry into the allegations leveled against him. The Enquiry Officer, after concluding the enquiry, submitted his report held that all the charges were held proved. Thereon, a show cause notice was issued by the Dy. Chief Executive Officer, Zilla Parishad, Krishna proposing a provisional punishment of dismissal from service. After examination of the explanation, the Dy. Chief Executive Officer, Zilla Parishad, in the reference 2nd read above, issued orders dismissing Sri M. Srinivas Naik, Junior Assistant, O/o the M.P., A.Konduru, Krishna District from service.

2. In the reference 2nd read above, Sri M.Srinivasa Naik, Junior Assistant, has put an appeal to Government against the dismissal orders. Government, have obtained, the remarks of the Chief Executive Officer, Zilla Parishad, Krishna as required u/r 36(3) of Andhra Pradesh Civil Services (CC&A) Rules, 1991 on the appeal petition of the individual.

3. On examination of the appeal petition along with the remarks of the Chief Executive Officer, Zilla Parishad , Krishna, it is observed that the beneficiary has paid the amount back to the funds of M.P., on 23-11-2001 it self which shows that the appellant has not misappropriated the amount and the A.P.Administrative Tribunal, in its judgment, dated:- 12-12-2006 in O.A.No: 2414 of 2004 has also observed that the punishment given to the applicant is disproportionate to the offence committed by him and there have been several

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judgements by various courts which make a reference to the punishment being in proportion to mistakes committed by the delinquent officers. The Chief Executive Officer, Zilla Parishad, Krishna in his report 3rd read above, has stated that there is a vindicate on the part of the Dy.CEO., to dismiss the applicant from service and the punishment awarded to the applicant is found to be disproportionate and excess in nature.

4. Government, after taking into consideration of the above facts with reference to the material on records and to meet both ends of justice, hereby, modify the punishment of dismissal from service to that of stoppage of two annual grade increment with cumulative effect against Sri M.Srinivasa Naik, Junior Assistant. The period of suspension till his re-instatement consequent to this order shall be treated as not duty, The appeal petition of Sri M.Srinivasa Naik, Junior Assistant. is partially allowed accordingly.

5. The Chief Executive Officer, Zilla Parishad, Krishna shall take necessary action accordingly. .

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**CHITRA RAMCHANDRAN
SECRETARY TO GOVERNMENT**

To

The Chief Executive Officer, Zilla Parishad, Krishna.

Sri M.Srinivasa Naik, Jr., Asst., through the CEO., ZP., Krishna.

Copy to:- The Commissioner of PR&RE., Hyderabad - w.r.t. -12950/CPR&RE/1-1-/2006, Dt:- 26-11-2007.

//Forwarded : By Order//

SECTION OFFICER